

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DAVID EIDMAN,

Plaintiff,

-against-

ERNEST STANLEY O'NEAL, et al.

Defendants.
-----X

In re: MERRILL LYNCH & CO., INC.,
Securities, Derivative & ERISA Litigation
-----X

:
:
: 08 Civ. 03392 (LBS)
:
:

: **ECF CASE**
: **Electronically Filed**
:
:

: Master File No.
: 07 Civ. 9633 (LBS)
:

: MDL No. 1933
-----X

NOTICE OF VOLUNTARY DISMISSAL

Plaintiff David Eidman ("Plaintiff") hereby voluntarily dismisses the action Eidman v. O'Neal et al., 08 Civ. 03392 (LBS) against all defendants without prejudice pursuant to Federal Rules of Civil Procedure 41(a)(1).

Dated: New York, New York
August 8, 2008

Respectfully submitted,

HORWITZ, HORWITZ & PARADIS
Attorneys at Law

By: /s Michael A. Schwartz
Michael A. Schwartz (MS2352)
28 West 44th Street
New York, NY 10036
Tel: (212) 404-2200
Fax: (212) 404-2226

LAW OFFICES OF JAMES V.
BASHIAN, P.C.
James V. Bashian (JB-6331)
271 Route 46 West, Suite F207

Fairfield, New Jersey 07004
 Tel: (973) 227-6330
 Fax: (973) 808-8665

Attorneys for Plaintiff David Eidman

CERTIFICATE OF SERVICE

I, Michael A. Schwartz, hereby certify that I caused a true and correct copy of **PLAINTIFF DAVID EIDMAN'S NOTICE FOR VOLUNTARY DISMISSAL** to be served via ECF upon the following counsel of record on August 8, 2008:

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP Jay B. Kasner Christopher P. Malloy Scott D. Musoff Joanne Gaboriault Four Times Square New York, NY 10036 Phone: (212) 735-3000 Fax: (212) 735-2000 Attorneys for Nominal Defendant Merrill Lynch & Co.	CLIFFORD CHANCE George Schieren Mark Holland 31 West 52nd Street New York, New York 10019 Phone: (212) 878-8000 Fax: (212) 878-8375 Attorneys for Defendants Citigroup Global Markets, Morgan Stanley & Co., UBS Securities and Wachovia Capital Services
PAUL WEISS RIFKIND WHARTON & GARRISON LLP Brad Karp Charles Davidow 1285 Avenue of the Americas New York, New York 10019 Phone: (212) 373-3000 Fax: (212) 757-3990 Attorneys for Defendant Deloitte & Touche LLP	WEIL GOTSHAL & MANGES LLP Joseph S. Allerhand Jonathan D. Polkes Erin J. Law 767 Fifth Avenue New York, New York 10153 Phone: (212) 310-8000 Fax: (212) 310-8007 Attorneys for Defendant Greg Fleming
MILBANK TWEED HADLEY & McCLOY LLP James N. Benedict George Canellos Andrew Robertson One Chase Manhattan Plaza New York, New York 10005	WILLKIE FARR & GALLAGHER LLP Michael R. Young Richard Bernstein Mei Lin Kwan-Gett 787 Seventh Avenue New York, New York 10019 Phone: (212) 728-8000

Phone: (212) 530-5000 Fax: (212) 530-5219 Attorneys for Defendant Ahmass Fakahany	Fax: (212) 728-8111 Attorneys for Defendant Jeffrey Edwards
CADWALADER, WICKERSHAM & TAFT LLP Dennis J. Block Gregory A. Markel Jason M. Halper One World Financial Center New York, New York 10281 Phone: (212) 504-6000 Attorneys for Defendants Carol T. Christ, Armando M. Codina, Virgis W. Colbert, Alberto Cribiore, John D. Finnegan, Judith Mayhew Jonas, Joseph W. Prueher, Ann N. Reese and Charles O. Rossotti	BROWER PIVEN, P.C. David A.P. Brower 488 Madison Avenue, Eighth Floor New York, New York 10022 Phone: (212) 501-9000 Fax: (212) 501-0300 Liaison Counsel and Executive Committee Counsel for Derivative Plaintiffs
SAXENA WHITE P.A. Joseph E. White, III Christopher S. Jones 2424 North Federal Highway, Suite 257 Boca Raton, FL 33431 Phone: (561) 394-3399 Fax: (561) 394-3382 Executive Committee Counsel for Derivative Plaintiffs	JOHNSON BOTTINI, LLP Francis Bottini 655 W. Broadway, Suite 1400 San Diego, CA 92101 Phone: (619) 230-0063 Fax: (619) 233-5535 Executive Committee Counsel for Derivative Plaintiff

/s Michael A. Schwartz
 Michael A. Schwartz